

3-MONTH SUSPENSION

No. 575, 2007

Amended Order dated December 5, 2007

Edward C. Pankowski, Jr. has been suspended by the Delaware Supreme Court for ethical misconduct effective January 1, 2008. (An amended Order was issued December 5, 2007.) The suspension will last three (3) months. It is anticipated that Pankowski will be reinstated in April 2008; however, a Reinstatement Order must be issued by the Court before Pankowski can resume practice.

Additional conditions of the disciplinary sanction severely curtail the nature and scope of Pankowski's practice. Pankowski's practice must be limited to: (1) residential real estate closings for a flat fee and (2) criminal defense in connection with a court-supervised conflicts program. (After five (5) years, Pankowski is permitted to file a petition requesting that the scope of his practice be expanded.) Pankowski is also permanently barred from acting as a notarial officer.

Pankowski's ethical misconduct involved the handling of two separate client matters – one in Family Court and one in Superior Court.

In the Family Court client matter, Pankowski failed to communicate with his client or respond to her communications with him. He also signed his client's name to a pleading, falsely notarized the signature, and filed the pleading with the Court. Pankowski failed to abide by his client's objectives (Rule 1.2(a)), failed to communicate with his client (Rule 1.4(a)), knowingly made a false statement of material fact or law to a tribunal (Rule 3.3(a)(1)), and engaged in conduct involving dishonesty, fraud, deceit or misrepresentation (Rule 8.4(c)).

In the Superior Court matter, Pankowski was privately retained to file a motion for reduction of sentence on behalf of a convicted, incarcerated client. Pankowski failed to provide competent representation (Rule 1.1), failed to act with reasonable diligence (Rule 1.3), charged an unreasonable fee (Rule 1.5(a)), failed to properly handle a fee paid in advance (Rule 1.5(f)), and failed to safeguard client funds (Rule 1.15(a)).

Aggravating factors included Pankowski's prior disciplinary record (a 2002 private admonition for falsely notarizing signatures on two documents submitted to Court of Chancery), that his clients were vulnerable victims, and that Pankowski had substantial experience in the practice of law. Pankowski's substantial record of public and community service throughout the course of his legal career was considered a mitigating factor.